D.B. CIVIL SPECIAL APPEAL (w) NO.41/2006
(Rajasthan Siksha Seva Parishad Vs. State & ors.)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. K.S. Yadav, for the appellant.

Having heard learned counsel for the appellant, we are of the opinion that there is no merit in this appeal.

The petitioner has challenged the constitutional validity of Rajasthan Educational Service Rules, 1970 whereunder for manning the post of Head Master, Higher Secondary schools for boys listed at item No.1 (a) Grade-E posts, two feeder channels have been provided. It has been provided that 50% promotion shall be from Head Masters, Higher Secondary Schools and; 50% promotion from Lecturer, School Education. In column 6 of the Schedule, the minimum qualification and experience required for promotion is that the candidate must be holding the post from Grade-F. From the perusal of the Rules, it is apparent that post of Headmaster, High Secondary Schools as well as Lecturer, School Education is enlisted under Grade F. Thus there is no violation of the minimum qualification in providing 50% promotion from Lecturer, School Education, which is also a feeder channel. There is no argument on behalf of the appellants on the basis of which it can be said that discrimination has been practised in providing two different feeder channels. What is contended by the learned counsel for the appellant is that while the Lecturer, School Education has been provided as feeder channel for promotion to Headmaster Boys, the provision has

not been made for promotion to the post of Headmaster, Higher Secondary School for Girl.

This can hardly be ground for challenging the validity of impugned Rule. That can at best be a ground for grievance by a person who is aspiring for promotion to the post in 'Girls' School. However for that reason when a person holding the post of Headmaster in Boys School cannot contend that by providing one or more feeder channels, the rule became contrary to any constitutional mandate. We do not find any merit in challenge to the validity of rule in providing two feeder channels. It may also be noticed that the amendment in the Rules is to come into effect after all persons appointed on the post of Headmaster, Secondary School (Boys) up to 31.8.1988 were regularly selected and appointed against the future vacancies of Headmasters, Higher Secondary School (Boys).

Further, contention of the learned counsel for the appellant that because pay scale of Headmaster, Higher Secondary School and Lecturer, School Education are different also cannot be a ground for contending that the provisions providing two feeder channels for promotion impedes the constitutional validity of the Rules.

We are in agreement with the conclusion reached by learned Single Judge. The appeal fails and is hereby dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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